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42 *Games, Inc. v. Google LLC et al.*

1 **UNITED STATES DISTRICT COURT**

2 **NORTHERN DISTRICT OF CALIFORNIA**

3 **SAN FRANCISCO DIVISION**

4

5 **IN RE GOOGLE PLAY STORE**  
6 **ANTITRUST LITIGATION**

7 THIS DOCUMENT RELATES TO:

8 *Epic Games Inc. v. Google LLC et al.*, Case  
9 No. 3:20-cv-05671-JD

10 *In re Google Play Consumer Antitrust*  
11 *Litigation*, Case No. 3:20-cv-05761-JD

12 *In re Google Play Developer Antitrust*  
13 *Litigation*, Case No. 3:20-cv-05792-JD

14 Case No. 3:21-md-02981-JD

15 **NOTICE OF EPIC GAMES INC.'S AND**  
16 **DEVELOPER PLAINTIFFS' INTENT TO**  
17 **AMEND COMPLAINTS**

18 Courtroom: 11, 19th Floor  
19 Judge: Hon. James Donato

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1           Ahead of the holiday weekend, in light of the scheduled July 22, 2021 argument on the  
 2 defendants' pending Omnibus Motion to Dismiss (Case No. 3:21-md-02981-JD, Dkt. 21), Epic  
 3 Games, Inc. ("Epic") and plaintiffs in *In re Google Play Developer Antitrust Litigation*  
 4 ("Developer Plaintiffs") write to inform the Court of their intent to amend their complaints in  
 5 light of document discovery obtained to date. Epic informed all other parties in this MDL action  
 6 (with Epic, the "Parties") of its intent to amend its complaint based on documents uncovered in  
 7 discovery to date, and tendered a draft of its proposed amended complaint to Google on June 29,  
 8 2021. In light of Epic's amendment, Developer Plaintiffs have also decided to amend their  
 9 complaint at this time, based on document discovery reviewed to date. Developer Plaintiffs have  
 10 not yet prepared a draft of their proposed amended complaint. Epic and Developer Plaintiffs  
 11 intend to file their proposed amended complaints—with consent of defendants or pursuant to a  
 12 motion—**by July 21, 2021.**

13           Plaintiffs in the *Consumer Antitrust Litigation* ("Consumer Plaintiffs") are prepared to  
 14 proceed with oral argument on July 22, 2021, on their operative complaint, as they believe their  
 15 current allegations are sufficient to overcome the pending motion to dismiss. And while  
 16 discovery to date has revealed additional facts supporting their claims, Consumer Plaintiffs'  
 17 preferred course would be for the motion to dismiss to be heard at this juncture and to seek leave  
 18 to amend then, if appropriate. If the Court prefers omnibus briefing and a single hearing on a  
 19 motion to dismiss, however, Consumer Plaintiffs reserve their right to seek leave to amend their  
 20 complaint in accordance with any guidance by the Court.

21           The Parties have begun to meet and confer regarding defendants' position with respect to  
 22 the proposed amendments and the schedule for any necessary briefing or the filing of responsive  
 23 pleadings. The Parties will provide the Court with an update in the Joint Case Management  
 24 Statement due July 15, 2021.

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1 Dated: July 2, 2021

2 CRAVATH, SWAINE & MOORE LLP  
3 Christine Varney (*pro hac vice*)  
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5 Darin P. McAtee (*pro hac vice*)  
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15 Respectfully submitted,

16 By: /s/ Yonatan Even  
17 Yonatan Even

18 *Counsel for Plaintiff Epic Games, Inc.*

19 Dated: July 2, 2021

20 BARTLIT BECK LLP  
21 Karma M. Giulianelli

22 KAPLAN FOX & KILSHEIMER LLP  
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24 Respectfully submitted,

25 By: /s/ Karma M. Giulianelli  
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27 *Co-Lead Counsel for the Proposed Class in  
28 In re Google Play Consumer Antitrust  
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1 Dated: July 2, 2021

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2 Respectfully submitted,

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5 *Liaison Counsel for the Proposed Class in*  
6 *In re Google Play Consumer Antitrust*  
7 *Litigation*

8 Dated: July 2, 2021

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18 *Developer Class and Attorneys for Plaintiff*  
19 *Pure Sweat Basketball*

1 Dated: July 2, 2021

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14 *Peekya App Services, Inc.*

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## **E-FILING ATTESTATION**

I, Yonatan Even, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ *Yonatan Even*